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April 22, 2014

**Via ECF**

Hon. Denise Cote  
United States District Judge  
United States District Court  
500 Pearl Street  
New York, NY 10007

Re: *Skanga Energy & Marine Ltd. v. Arevenca S.A. et al.*,  
Case 1:11-cv-04296-DLC (SDNY)

Dear Judge Cote:

I write in an overabundance of caution to make the record clear concerning the Motion to Dismiss the Second Amended Complaint Defendant Petróleos de Venezuela S.A. ("PDVSA") filed last Thursday, April 17, 2014.

PDVSA intends its Motion to Dismiss to comply with the Court's December 13, 2013 Amendment to Revised Scheduling Order (Docket No. 101) providing that any motion for summary judgment be filed by April 17. Because PDVSA's Motion presents issues relating to subject matter and personal jurisdiction it does not, formally speaking, arise under Rule 56 but rather Rules 12(b)(1) and (2). Nevertheless, it is equally directed at disposing of the entire case before trial.

In this respect, PDVSA recalls that in its May 23, 2013 Memorandum Opinion & Order (Docket No. 80), the Court previously ruled that PDVSA "may bring a renewed motion to dismiss for lack of subject matter jurisdiction at any time that it can represent that discovery on that issue [i.e., agency] has been completed." As of April 4, all discovery is complete, including on the agency issue. PDVSA's Motion is therefore also made pursuant to the Court's prior direction.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "L. Martin", written over a light blue horizontal line.

Lawrence Martin